

Federal Energy Regulatory Commission

§ 292.101

for purposes of compliance with this part, provided such reporting period is a 12-month period.

(Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601–2645; Energy Supply and Environmental Coordination Act, 15 U.S.C. 791–798; Federal Power Act, as amended, 16 U.S.C. 792–828C; Department of Energy Organization Act, 42 U.S.C. 7101–7352, E.O. 12009, 42 FR 46267)

[Order 48, 44 FR 58697, Oct. 11, 1979, as amended by Order 353, 48 FR 55449, Dec. 13, 1983; Order 545, 57 FR 53991, Nov. 16, 1992]

APPENDIX A TO PART 290—NONEXEMPT ELECTRIC UTILITIES

Electric utilities that are not exempt from part 290, as of the date of publication of the Commission's Order No. 545 are as follows:

Department of Water and Power of the City of Los Angeles, California.
Pacific Gas & Electric Co.
San Diego Gas and Electric Co.
Southern California Edison Co.
Western Area Power Administration.

[Order 545, 57 FR 53991, Nov. 16, 1992]

PART 292—REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH RE- GARD TO SMALL POWER PRO- DUCTION AND COGENERATION

Subpart A—General Provisions

Sec.

292.101 Definitions.

Subpart B—Qualifying Cogeneration and Small Power Production Facilities

- 292.201 Scope.
- 292.202 Definitions.
- 292.203 General requirements for qualification.
- 292.204 Criteria for qualifying small power production facilities.
- 292.205 Criteria for qualifying cogeneration facilities.
- 292.207 Procedures for obtaining qualifying status.
- 292.208 Special requirements for hydroelectric small power production facilities located at a new dam or diversion.
- 292.209 Exceptions from requirements for hydroelectric small power production facilities located at a new dam or diversion.
- 292.210 Petition alleging commitment of substantial monetary resources before October 16, 1986.

292.211 Petition for initial determination on whether a project has a substantial adverse effect on the environment (AEE petition).

Subpart C—Arrangements Between Elec- tric Utilities and Qualifying Cogenera- tion and Small Power Production Fa- cilities Under Section 210 of the Public Utility Regulatory Policies Act of 1978

- 292.301 Scope.
- 292.302 Availability of electric utility system cost data.
- 292.303 Electric utility obligations under this subpart.
- 292.304 Rates for purchases.
- 292.305 Rates for sales.
- 292.306 Interconnection costs.
- 292.307 System emergencies.
- 292.308 Standards for operating reliability.
- 292.309 Termination of obligation to purchase from qualifying facilities.
- 292.310 Procedures for utilities requesting termination of obligation to purchase from qualifying facilities.
- 292.311 Reinstatement of obligation to purchase.
- 292.312 Termination of obligation to sell to qualifying facilities.
- 292.313 Reinstatement of obligation to sell.
- 292.314 Existing rights and remedies.

Subpart D—Implementation

- 292.401 Implementation of certain reporting requirements.
- 292.402 Waivers.

Subpart E [Reserved]

Subpart F—Exemption of Qualifying Small Power Production Facilities and Co- generation Facilities from Certain Fed- eral and State Laws and Regulations

- 292.601 Exemption to qualifying facilities from the Federal Power Act.
- 292.602 Exemption to qualifying facilities from the Public Utility Holding Company Act and certain State law and regulation.

AUTHORITY: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

Subpart A—General Provisions

§ 292.101 Definitions.

(a) *General rule.* Terms defined in the Public Utility Regulatory Policies Act of 1978 (PURPA) shall have the same meaning for purposes of this part as they have under PURPA, unless further defined in this part.

(b) *Definitions.* The following definitions apply for purposes of this part.

(1) *Qualifying facility* means a cogeneration facility or a small power production facility that is a qualifying facility under Subpart B of this part.

(i) A qualifying facility may include transmission lines and other equipment used for interconnection purposes (including transformers and switchyard equipment), if:

(A) Such lines and equipment are used to supply power output to directly and indirectly interconnected electric utilities, and to end users, including thermal hosts, in accordance with state law; or

(B) Such lines and equipment are used to transmit supplementary, standby, maintenance and backup power to the qualifying facility, including its thermal host meeting the criteria set forth in *Union Carbide Corporation*, 48 FERC ¶61,130, *reh'g denied*, 49 FERC ¶61,209 (1989), *aff'd sub nom.*, *Gulf States Utilities Company v. FERC*, 922 F.2d 873 (D.C. Cir. 1991); or

(C) If such lines and equipment are used to transmit power from other qualifying facilities or to transmit standby, maintenance, supplementary and backup power to other qualifying facilities.

(ii) The construction and ownership of such lines and equipment shall be subject to any applicable Federal, state, and local siting and environmental requirements.

(2) *Purchase* means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

(3) *Sale* means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

(4) *System emergency* means a condition on a utility's system which is likely to result in imminent significant disruption of service to customers or is imminently likely to endanger life or property.

(5) *Rate* means any price, rate, charge, or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity, or any rule, regulation, or practice respecting any such rate, charge, or classification, and any

contract pertaining to the sale or purchase of electric energy or capacity.

(6) *Avoided costs* means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, such utility would generate itself or purchase from another source.

(7) *Interconnection costs* means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions and administrative costs incurred by the electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent such costs are in excess of the corresponding costs which the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy itself or purchased an equivalent amount of electric energy or capacity from other sources. Interconnection costs do not include any costs included in the calculation of avoided costs.

(8) *Supplementary power* means electric energy or capacity supplied by an electric utility, regularly used by a qualifying facility in addition to that which the facility generates itself.

(9) *Back-up power* means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a facility's own generation equipment during an unscheduled outage of the facility.

(10) *Interruptible power* means electric energy or capacity supplied by an electric utility subject to interruption by the electric utility under specified conditions.

(11) *Maintenance power* means electric energy or capacity supplied by an electric utility during scheduled outages of the qualifying facility.

(Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601 *et seq.*, Energy Supply and Environmental Coordination Act, 15 U.S.C. 791 *et seq.* Federal Power Act, 16 U.S.C. 792 *et seq.*, Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, E.O. 12009, 42 FR 46267)

[45 FR 12233, Feb. 25, 1980, as amended by Order 575, 60 FR 4856, Jan. 25, 1995]